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**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON**

In re:  
  
GIGA WATT, Inc., a Washington  
corporation,  
  
Debtor.

Case No. 18-03197 FPC 11  
  
The Honorable Frederick P. Corbit  
  
Chapter 7

MARK D. WALDRON, as Chapter 7  
Trustee,  
  
Plaintiff,  
  
vs.  
  
PERKINS COIE LLP, a Washington  
limited liability partnership,  
LOWELL NESS, an individual and  
California resident, and TIMUR  
USMANOV, an individual and  
Russian citizen,  
  
Defendants.

Adv. Case No. 20-80031

**TRUSTEE'S REQUEST FOR  
JUDICIAL NOTICE IN SUPPORT  
OF TRUSTEE'S MOTION TO  
DISMISS THIRD-PARTY  
COMPLAINT FOR MISJOINDER**

Mark D. Waldron, in his capacity as the duly appointed Chapter 7 Trustee,  
by and through his attorneys, the Potomac Law Group PLLC, hereby submits his  
*Request for Judicial Notice in Support of the Trustee's Motion to Dismiss Third-  
Party Complaint for Misjoinder*, filed herewith.

TRUSTEE'S REQ. FOR JUDICIAL  
NOTICE ISO TRUSTEE'S MOTION  
TO DISMISS THIRD-PARTY  
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1 Pursuant to Rule 201 of the Federal Rules of Evidence, the Trustee  
2 respectfully requests that the Court take judicial notice of the documents listed  
3 below.

4 **REQUESTS FOR JUDICIAL NOTICE OF DOCUMENTS**

5 1. *Class Action Complaint*, filed in the United States District for the  
6 Eastern District of Washington (“District Court”) on December 16, 2020, Case  
7 No. 2:20-cv-00464-SAB, ECF No. 1, attached hereto as **Exhibit 1**;

8 2. *Order Cancelling Status Conference; Striking Motions; Staying*  
9 *Case*, filed in the District Court on August 1, 2022, Case No. 2:21-cv-00291-SAB,  
10 ECF No. 56, attached hereto as **Exhibit 2**.

11 **ARGUMENT**

12 The foregoing documents fit squarely within the ambit of Rule 201, which  
13 provides:

14 The Court may judicially notice a fact that is not subject to  
15 reasonable dispute because it: . . . (2) can be accurately and readily  
16 determined from sources whose accuracy cannot reasonably be  
questions.

17 F.R.E. 201.

18 To determine the accuracy of the foregoing one need only review the docket  
19 of the District Court.

20 “[I]t is standard for a court to take judicial notice of the existence of another  
21 court’s opinion.” *Metropolitan Creditors' Trust v. Pricewaterhouse-coopers*,

22 TRUSTEE’S REQ. FOR JUDICIAL  
23 NOTICE ISO TRUSTEE’S MOTION  
24 TO DISMISS THIRD-PARTY  
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1 *LLP*, 463 F. Supp. 2d 1193, 1197–98 (E.D. Wash. 2006) (citing *Cal. ex rel. RoNo*,  
2 *LLC v. Altus Fin. S.A.*, 344 F.3d 920, 931 (9th Cir. 2003) and *Lee v. City of Los*  
3 *Angeles*, 250 F.3d 668, 690 (9th Cir. 2001)).

4 **CONCLUSION**

5 Wherefore, the Plaintiff respectfully requests that the Court grant the  
6 Motion, allow the Trustee to file the proposed First Amended Complaint, and  
7 grant such other and further relief as the Court deems necessary and just.

8 Dated: December 13, 2022

POTOMAC LAW GROUP PLLC

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10 By: s/ Pamela M. Egan

Pamela M. Egan (WSBA No. 54736)

11 *Attorneys for Mark D. Waldron, Chapter 7*  
12 *Trustee, Plaintiff*

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